

There are two avenues to jurisdiction in federal court. Under 28 U.S.C. § 1331, the Court has “jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” And under § 1332, the Court has jurisdiction over state law cases involving citizens of different states where the matter in controversy exceeds \$75,000.

This action arises from plaintiff's 2010 suit against Wal-Mart. *Clark v. Wal-Mart*, No. 4:10-CV-1302 AGF. Plaintiff sued Wal-Mart under 42 U.S.C. § 1981 for its refusal to sell him a firearm. On May 1, 2012, plaintiff voluntarily dismissed the suit with prejudice after mediation.

In this action, plaintiff says his lawyer was negligent during settlement negotiations for advising him to settle the case for \$17,500, instead of \$35,000. He claims he was intimidated by the mediator during the process. He is suing Wal-Mart, his attorney, and the mediator. He alleges he has suffered emotional distress as a result.

Negligence and emotional distress are matters of state law. The Court lacks jurisdiction over the case because plaintiff and the defendants are not residents of different states. Therefore, this action is dismissed.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 12th day of October, 2016.

\s\ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE